

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES OREYE,

Petitioner,

v.

Case Number: 05-70918

H.J. MARBERRY,

HONORABLE PATRICK J. DUGGAN

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR
RECONSIDERATION**

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on April 22, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Petitioner James Orey is a federal inmate currently incarcerated at the Federal Correctional Institution in Milan, Michigan. He filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that he is incarcerated in violation of his constitutional rights, which this Court summarily dismissed on April 7, 2005. Petitioner filed a motion for reconsideration on April 19, 2005. For the following reasons, the motion for reconsideration will be denied.

Rule 7.1(g) provides that a motion for reconsideration only should be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such a palpable

defect. *Id.* A motion that merely presents the same issues already ruled upon by the Court shall not be granted. *Id.* Citing cases from the Second, Seventh, and Ninth Circuits, Petitioner argues that the Court committed a palpable error in finding that the Supreme Court's decision in *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354 (2004), is not retroactive to cases on collateral review.

As the Court stated in its April 7, 2005 Opinion and Order, the law in the Sixth Circuit (which controls) is that *Crawford* is inapplicable to cases on collateral review. *See Dorchy v. Jones*, 398 F.3d 783, 788 (6th Cir. 2005). In any event, the cases Petitioner cites in his motion for reconsideration did not involve habeas petitions but rather direct appeals. The Court therefore concludes that it did not commit a palpable error in dismissing the Petition.

Accordingly,

IT IS ORDERED that Petitioner's motion for reconsideration is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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